

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

FILED

MAR 03 2014

Clerk, U.S. District Court
District Of Montana
Missoula

LLOYD KNUDSEN,

CV 13-102-GF-DWM

Plaintiff,

vs.

ORDER

BELT VALLEY BANK,

Defendant.

The Findings and Recommendations of United States Magistrate Judge Keith Strong are now before the Court. (Doc. 5.) Judge Strong recommends Plaintiff Lloyd Knudsen's Complaint be dismissed without prejudice. (*Id.* at 6.) Knudsen timely filed his Objections on February 21, 2014. (Doc. 6.)

When a party objects to any portion of Findings and Recommendations issued by a Magistrate Judge, the district court must make a *de novo* determination when reviewing that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir.1981). The Court notes that Knudsen's Objections do not specifically address any of the contentions of Judge Strong's Findings and Recommendations. For that reason, Judge Strong's report is reviewed *de novo* in

its entirety and determined as follows.

Judge Strong's Findings and Recommendations are well-reasoned and will be adopted in full. Knudsen brings this *qui tam* action *pro se* under the False Claims Act, 31 U.S.C. § 3729 *et seq.*

The [False Claims Act] does not authorize a relator to prosecute a § 3729 violation *pro se* "Given the fact that Congress did not expressly authorize a *qui tam* relator to proceed *pro se* when acting on behalf of the United States, it 'must have had in mind that such a suit would be carried on in accordance with the established procedure which requires that only one licensed to practice law may conduct proceedings in court for anyone other than himself."

Stoner v. Santa Clara Co. Off. of Educ., 502 F.3d 1116, 1127 (9th Cir. 2007)

(quoting *United States v. Onan*, 190 F.2d 1, 6 (8th Cir. 1951)). Based on this binding authority, Judge Strong finds Knudsen cannot proceed with this action, regardless of its basis in law or fact, as he lacks representation by a licensed attorney and recommends the Complaint be dismissed without prejudice. (Doc. 5 at 5-6.) Knudsen's Objections simply restate his claim for relief and rejoin neither this finding nor this recommendation. (Doc. 6.)

Accordingly, IT IS ORDERED that Judge Strong's Findings and Recommendations, (Doc. 5), are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Plaintiff Lloyd Knudsen's Complaint, (Doc. 2), is DISMISSED WITHOUT PREJUDICE. The Clerk of Court shall close

this case.

DATED this 3rd day of March, 2014.

A handwritten signature in black ink, appearing to read "D. Melloy", written over a horizontal line.

Donald W. Melloy, District Judge
United States District Court